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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2012-355

12 **ROBERTA CLAIRE BEORIS**  
13 **736 Juana Ave.**  
**San Leandro, CA 94577**

**ACCUSATION**

14 **Registered Nurse License No. 315048**  
15 **Public Health Nurse Certificate No. PHN**  
**30471**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about March 31, 1980, the Board of Registered Nursing issued Registered  
24 Nurse License Number 315048 to Roberta Claire Beoris (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on January 31, 2014, unless renewed.

3. On or about August 13, 1980, the Board of Registered Nursing issued Public Health Nurse Certificate Number 30471 to Roberta Claire Beoris (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

## JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct . . .

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7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in

1 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
2 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
3 ability to conduct with safety to the public the practice authorized by his or her license.

4 "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
5 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
6 or the possession of, or falsification of a record pertaining to, the substances described in  
7 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
8 thereof.

9 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of  
10 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this  
11 section, in which event the court order of commitment or confinement is prima facie evidence of  
12 such commitment or confinement.

13 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
14 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this  
15 section."

16 8. Code section 4060 provides, in pertinent part, that no person shall possess any  
17 controlled substance, except that furnished upon a valid prescription/drug order.

18 9. Health and Safety Code section 11173(a) states, in pertinent part, that no person shall  
19 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
20 administration of or prescription for controlled substances by fraud, deceit, misrepresentation or  
21 subterfuge.

22 10. Health and Safety Code section 11170 provides that no person shall prescribe,  
23 administer, or furnish a controlled substance for himself or herself.

24 11. Health and Safety Code section 11377, in pertinent part, makes it unlawful to possess  
25 any controlled substance in Schedule II, subdivision (d), without a prescription.

26 12. Health and Safety Code section 11550, in pertinent part, makes it unlawful for any  
27 person to use or be under the influence of any controlled substance in Schedule II (Health and  
28

1 Safety Code section 11055), subdivision (d)(1) or (d)(2), or any narcotic drug in Schedules III-V,  
2 except when administered by or under the direction of an authorized licensee.

3 13. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
5 licensee or to render a decision imposing discipline on the license.

6 14. Section 118, subdivision (b), of the Code provides that the expiration of a license  
7 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
8 within which the license may be renewed, restored, reissued or reinstated.

9 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
10 administrative law judge to direct a licentiate found to have committed a violation or violations of  
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
12 enforcement of the case.

#### 13 DRUGS

14 16. Dilaudid is a brand of hydromorphone hydrochloride, a Schedule II controlled  
15 substance as designated by Health and Safety Code section 11055(b) and a dangerous drug as  
16 designated by Business and Professions Code section 4022, used for pain relief.

17 17. Morphine is a Schedule II controlled substance as designated by Health and Safety  
18 Code section 11055(b)(1)(M), and a dangerous drug as designated by Business and Professions  
19 Code section 4022. It is used to treat moderate to severe pain.

20 18. Norco is the brand name for a compound of acetaminophen and hydrocodone  
21 bitartrate, a Schedule III controlled substance as designated by Health and Safety Code section  
22 11056(e)(4) and a dangerous drug as designated by Business and Professions Code section 4022,  
23 used for pain relief.

24 19. Kayexalate/Sorbitol is a dangerous drug as designated by Business and Professions  
25 Code section 4022, used to control excess potassium in the blood.

26 20. Furosemide is a dangerous drug as designated by Business and Professions Code  
27 section 4022, used as a diuretic.

21. Enalapril Maleate is a dangerous drug as designated by Business and Professions Code section 4022, used to treat high blood pressure.

22. Ondansetron (Zofran) is a dangerous drug as designated by Business and Professions Code section 4022, used to treat nausea.

23. Famotidine is a dangerous drug as designated by Business and Professions Code section 4022, used to ulcers and GERD.

### FIRST CAUSE FOR DISCIPLINE

(ILLEGALLY OBTAIN OR POSSESS CONTROLLED SUBSTANCES)

24. Respondent is subject to disciplinary action under Code section 2761(a) and/or section 2762(a), and Health and Safety Code sections 11173(a) and/or 11377 in that while on duty as a registered nurse at Highland Hospital in Oakland, California, Respondent illegally obtained and/or possessed controlled substances as follows:

25. On or about May 24, 2009 at 07:11, Respondent withdrew 4 mg of Dilaudid from the hospital's Pyxis for patient B and documented that she wasted 3 of the 4 mg. On the same date at 07:21, Respondent withdrew 4 mg of Dilaudid from the hospital's Pyxis for patient B and documented that she wasted 3 of the 4 mg. Respondent was not scheduled to work that day.

26. On or about May 11, 2009 at 14:46, 17:10, 17:48, and again at 18:58, Respondent withdrew 4 mg of Dilaudid for patient D. Each time, Respondent documented that she wasted 3 of the 4 mg. Respondent was not scheduled to work that day.

27. On or about May 24, 2009 at 07:11, Respondent withdrew 4 mg of Dilaudid for patient BC and documented that she wasted 3 of the 4 mg. On the same date at 07:21, Respondent withdrew 4 mg of Dilaudid for patient BC and documented that she wasted 4 mg. Respondent was not scheduled to work that day.

28. On or about May 24, 2009 at 09:29, 14:26 and again at 15:07, Respondent withdrew 4 mg of Dilaudid for patient CD and documented that she wasted 3 of the 4 mg. At 12:41, Respondent withdrew 15 gm of Kayexalate/Sorbitol for patient CD. Respondent was not scheduled to work that day.

29. On or about May 24, 2009 at 10:12, Respondent withdrew 20 mg of Furosemide for patient EF. At 10:13, Respondent withdrew 0.4 mg of nitroglycerin for patient EF. Respondent was not scheduled to work that day.

30. On or about May 24, 2009 at 14:48, Respondent withdrew 5 mg of Enalapril Maleate for patient FG. Respondent was not scheduled to work that day.

31. On or about May 24, 2009 at 10:17, Respondent withdrew 4 mg of Ondansetron for patient GH. At 14:43, Respondent withdrew 20 mg of Famotidine for GH. At 14:45, Respondent withdrew 5 mg of Enalapril Maleate for patient GH. At 14:45, Respondent withdrew 600 mg of Ibuprofen for patient GH. Respondent was not scheduled to work that day.

## SECOND CAUSE FOR DISCIPLINE

(ILLEGAL USE OF CONTROLLED SUBSTANCES)

32. Respondent is subject to disciplinary action under Code section 2761(a) and/or section 2762(b), in that between April and May, 2009, at Highland Hospital in Oakland, California, Respondent used Dilaudid, a controlled substance, to an extent or in a manner dangerous or injurious to herself and/or others.

33. Respondent was outwardly under the influence of narcotics on May 25, 2009 while at work at Highland Hospital. Respondent admitted that, while working at Highland Hospital, from approximately April 2009 to May 25, 2009, she diverted Dilaudid from hospital supply for her own use. Respondent further admitted that she had routinely withdrawn 4 mg of Dilaudid for patients who only needed 1 mg and she would use the remaining 3 mg for herself.

34. Respondent is further subject to disciplinary action under Code section 2761(a) and/or section 2762(b), in that from approximately February 26, 2010 to approximately March 3, 2010, Respondent used morphine belonging to a dying man who was staying with Respondent.

### THIRD CAUSE FOR DISCIPLINE

(UNPROFESSIONAL CONDUCT)

35. Respondent is subject to disciplinary action under section 2761(a) in that she acted unprofessionally as alleged above in paragraphs 25 through 34.

36. Respondent is further subject to disciplinary action under section 2761(a) in that she acted unprofessionally. On or about August 17, 2010, Respondent was arrested for public intoxication after she deplaned from Southwest flight #300 from Houston to Oakland. Respondent slapped the head of a minor who was sitting in front of her, was disruptive and intoxicated.

## DISCIPLINARY CONSIDERATIONS

37. As relevant to discipline, if any, on or about May 28, 2009, Respondent enrolled in the Board's Diversion Program. On or about March 9, 2010 Respondent was terminated from the Board's Diversion Program as a public safety risk.

## PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


1. Revoking or suspending Registered Nurse License Number 315048, issued to Roberta Claire Beoris;

2. Revoking or suspending Public Health Nurse Certificate Number 30471, issued to Roberta Claire Beoris;

3. Ordering Roberta Claire Beoris to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED: December 29, 2011

*For*  LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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